

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MICHAEL F. SABITONI,	:	
As Trustee of the Rhode Island Laborers	:	
Health Fund; the Rhode Island Laborers'	:	
Pension Fund; the New England Laborers'	:	
Training Trust Fund; the New England	:	
Laborers' Labor Management	:	
Cooperation/Trust Fund; the New England	:	
Laborers' Health & Safety Fund; the Rhode	:	
Island Laborers' Unified Trust Fund; the	:	
Rhode Island Laborers' Annuity Fund;	:	
the Rhode Island Laborers' Legal Services	:	
Fund; the Rhode Island Construction	:	
Industry Advancement Fund; and the	:	
RHODE ISLAND LABORERS' DISTRICT	:	
COUNCIL OF THE LABORERS'	:	
INTERNATIONAL UNION OF	:	
NORTH AMERICA, AFL-CIO,	:	
	:	
v.	:	C.A. No. 18-294-JJM
	:	
MR 3 LLC d/b/a UNION FENCE	:	

**MOTION FOR ENTRY OF DEFAULT AS TO  
DEFENDANT MR 3 LLC d/b/a/ UNION FENCE**

NOW COME Plaintiffs, Michael F. Sabitoni, as Trustee of the Rhode Island Laborers' Employee Benefit Funds, ("Plaintiff Funds"), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and move that the Clerk enter the default of Defendant MR 3 LLC d/b/a Union Fence ("Union Fence"), for failure to plead or otherwise defend against the Complaint in the above-captioned matter. This Motion is supported by the memorandum filed contemporaneously herewith.

### **LOCAL RULE 55 CERTIFICATION**

I hereby certify that notice of the within Motion for Entry of Default was given to Union Fence by both regular mail, postage prepaid, and by certified or registered mail, return receipt requested, prior to filing of this Motion. A copy of the return receipt is attached as **Exhibit A**.

I also certify that to the best of my knowledge, the address set forth in the certification is the last known address for Union Fence.

In addition, the party against whom default is sought is not in the military service of the United States as defined in the Servicemembers Civil Relief Act of 2003, as amended.

MICHAEL F. SABITONI, et al.  
By their Attorneys,

/s/ Robert P. Brooks  
ROBERT P. BROOKS (#3721)  
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Dated: September 27, 2018

### **CERTIFICATION**

I hereby certify that a copy of the within Motion for Entry of Default was mailed by both regular mail, postage prepaid, and by certified mail, return receipt requested, to the following on September 27, 2018.

MR3 LLC d/b/a Union Fence  
c/o Michael J. Rizzo, Jr., Registered Agent  
1340 Hartford Avenue  
Johnston, RI 02919-7132

/s/ Robert P. Brooks